

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**Southwestern Bell Telephone Company *et al*,
Plaintiffs,**

vs.

Phil Iverson *et al*.

Defendants.

Case No. 3:11-cv-02009

**MOTION OF CCI COMMUNICATIONS INC. AND CHRIS GOSE TO COMPEL
ARBITRATION OF CERTAIN CLAIMS AND TO DISMISS ALL OTHER CLAIMS**

Defendants CCI Communications LLC ("CCI") and Chris J. Gose ("Mr. Gose")
(collectively "Movants") respectfully file this Motion. Movants request the Court to:

1. dismiss all claims against Mr. Gose and CCI relating to the First and Second Dallas Data Mining Schemes in favor of the jurisdiction in which the parties contractually agreed to bring such claims, New York City. Alternatively, Movants request the dismissal of those claims because Plaintiffs filed them outside the two year contractual limitations period for bringing such claims;
2. compel arbitration of all claims against Mr. Gose and CCI relating to the Atlanta Data Mining Scheme pursuant to the parties' contractual agreement to arbitrate such claims. Alternatively, Movants request the dismissal of those claims because Plaintiffs filed them outside the one year contractual limitations period for bringing such claims;
3. dismiss all remaining claims against Mr. Gose and CCI because Plaintiffs have failed to meet the pleading standard established by *Iqbal* and *Twombly*. Those claims do not describe the actions of the Movants in any way, do not implicate the Movants in the described conduct, and do not even mention the Movants once. In short, those claims fail to plead any facts making it plausible that Movants participated in the underlying conduct described therein.

For all of these reasons, the Court should grant this Motion by: (a) dismissing all of AT&T's claims relating to the Dallas Data Mining Schemes, so they can be re-filed in the appropriate jurisdiction, (b) compelling all of AT&T's claims relating to the Atlanta Data Mining Scheme to arbitration, and (c) dismissing all remaining claims against Movants.

Dated: September 29, 2011

Respectfully submitted,

/s/ Gene R. Besen

Gene R. Besen
Texas Bar No. 24045491
SNR DENTON US LLP
2000 McKinney Avenue
Suite 1900
Dallas, TX 75201-1858
(214) 259-0900
(142) 259-0910 (facsimile)
gene.besen@snrdenton.com

Dan Barnowski*
J. Isaac Himowitz*
SNR DENTON US LLP
1301 K Street, NW
Suite 600, East Tower
Washington, DC 20005
(202) 408-6400
(202) 408-6399 (facsimile)
(*To be admitted *pro hac vice*)

**Counsel for CCI Communications Inc.
and Chris Gose**

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2011, a copy of the foregoing was served electronically via CM/ECF to the following:

Richard M Parr AT&T Services Inc - Legal Department 208 S Akard St. Suite 2935 Dallas, TX 75202 rp3639@att.com	Lawrence Alan Fogel, Jr. AT&T 208 S Akard St. Dallas, TX 75202 lawrence.fogel@att.com
Christian F Binnig Mayer Brown LLP 71 S Wacker Dr. Chicago, IL 60606 cbinnig@mayerbrown.com	Jeffrey M Strauss Mayer Brown LLP 71 S Wacker Dr. Chicago, IL 60606 jstrauss@mayerbrown.com
David M Berger Mayer Brown LLP 71 S Wacker Dr. Chicago, IL 60606 dberger@mayerbrown.com	Matthew D Provance Mayer Brown LLP 71 S Wacker Dr. Chicago, IL 60606 mprovance@mayerbrown.com

Respectfully submitted,

/s/ Gene R. Besen
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